IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

CRP.No. 256 of 2007(B)

AGAINST THE ORDER DT.30.10.06 IN I.A.NO.755/06 IN OS.356/2005 of MUNSIFF COURT, PUNALUR

.....

REVN. PETITIONER: IST PLAINTIFF IN OS/RESPONDENT NO.1 IN I.A.

JOSEPH JOHN, S/O.ALBERT JOSEPH,
ESTHAR ESTATE, KOKKADU P.O.,
VALAKKODU VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR

RESPONDENTS: DEFENDANT 1 TO 4 IN O.S./RESPONDENTS 5,6,7 AND PETITIONER IN IA PLAINTIFFS 2 TO 4 IN O.S. AND RESPONDENTS 2 TO 4 IN I.A.

1. C.S.I. CHURCH, CHAWKA ROAD,
PUNALUR MURI, PUNALUR VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

2. PRESBITTER, C.S.I. CHURCH,
CHAWKA ROAD, PUNALUR MURI, PUNALUR VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

3. THE SECRETARY, C.S.I. CHURCH,
CHAWKA ROAD, PUNALUR MURI, PUNALUR VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

4. RT.REV.DR.W.J.MATHEW GLADSTON,
BISHOP OF THE DEKSHINA KERALA MAHA EDAVAKA,
L.M.S.COMPOUND, MUSEUM JUNCTION,
THIRUVANANTHAPURAM CORPORATION AND TALUK.

5. STEPHEN SAMUEL, AGED 69 YEARS,
S/O.SAMUEL, SWAPNA BHAVAN, MUSAVARIKUNNU,
PUNALUR VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

6. T.E.CHERIYAN, S/O.EAPPACHAN,
THOTTUKADAVU, VALAKKODU VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

7. PHILIP ISSAC, AGED 48 YEARS,
S/O.ISSAC CHARLSE, JENTS VILLAGE,
PLACHERY P.O., KALAYANADU, VALAKKODU VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.NO.256 OF 2007

DATED THIS 13th THE DAY OF AUGUST, 2007

ORDER

This revision is preferred against the order of the learned Munsiff, whereby she had restored O.S.No.356/05 to file. The petitioner before the Court below was the fourth defendant in the suit. The Court below should have written that it is setting aside the exparte decree and then restored the suit to file. But it's only a thing, which can be understood by reading the order. The Court below has not given any reasoning for the same. This Court has repeatedly held that the orders can be brief but not blank.

I do not want to disturb the finding of the Court below because I am informed that within the prescribed time specified by law an application has been filed and there has been a move in the right direction to get an opportunity of being heard. So, it is also settled principle that broad principles of natural justice requires the party to be heard on merit unless there is something equivalent to gross negligence or grave misconduct. There is no such instance in this case. So, in the interest of natural justice, I am not inclined to interfere with the order passed by the Court below and therefore the

C.R.P. is dismissed. The costs ordered by the Court below shall be paid within a period of three weeks from today to the counsel appearing in the Court below.

M.N. KRISHNAN, JUDGE

Acd